Previous references.

1906-7
Sep Bdle

File No. 5707/0

Serial Nos.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 13

Part B. for April

SUBJECT.

Recovery of Court fees due by Appellants Ganapathi Webbar & Shivtramma in appeal No 28 of 1900-1 on the file of the Chief Court

1 From the Dy Commr Kadur No 524 & 18th March 1903
Requests the orders of Govt re the application for the Execution of the decree for the recovery of Stamp fees due by the appellants in C A C 28 of 1900-01 on the file of the Chief Court

2. To the Dy Commr Kadur No 1643 of 31st March 03
Calls for the copy of the decree and the papers connected with the Enquiry made by the Dy Commr in the case

3 G. R. S. 58
From the Dy Commr No 561 & 3d April 03
Submits the copy of the decree in C A C No 28 of 1900-01

Dy Commr Kadur dr, tt No 2027 & 23rd May/03
Calls for a complete list of the moveable property owned by the deceased M Rangiah Hebbar — and details as to their present enjoyments, the present possessors with regard to right, title and interest

5 From the Dy Commr No 209 & 10th July/03
Submits the list

6 To the Dy Commr No 385 & 6th August/03
Observes that most of the properties are in the possession of mortgagees and purchasers and that the appellants have no interest in them & that if the Dy Commr finds there is a fair chance of recovery, he may apply for Execution in the usual course

7 From the Dy Commr No 442 & 19th March/04
States that all the moveable properties have been otherwise disposed of and that S No 42 is not worth while proceeding against

8 To the Dy Commr No 2900 & 24th April/04
Calls for the submission of a report after the ~~Expiration~~ Expiry of 3 years from the date of the decree

9 To the Dy Commr No 1772 & 27th August/06
Calls for the report referred to in S No 8

10 From the Dy Commr No 363 & 13-11-06
States that some lands have since come into the possession of appellants (Ganapati Hebbar & Savitramma) that the exact nature, the interests & the date on which they were acquired are not known and if so ordered, these points will be ascertained & steps taken to have the decree executed

S/h 51-02

OFFICE OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

† 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

Subject.

Letter no: 5·64 9 3·4·03 from the Dy Commr, Kadur District, soliciting orders regarding the recovery of court fees amounting Rs 285·0/- due by the appellants Sanapathi Hebbar (minor) and Savitramma in appeal no: 28 of 1900-01 on the file of the Chief Court.

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

Note.

In his letter no: 534 9 17·3·03 the Dy Commr, Kadur District, reported that the Chief Court forwarded to him copy of decree in civil appeal case no: 28 of 1900-01 on the file of the Chief Court (Ganapathi Hebbar and Savitramma versus Arbuthnot & Co.) for the purpose of recovering from the appellants the sum of Rs 285·0/- due by them to Govt on account of Court fees on their appeal in forma pauperis On enquiry the Dy Commr appears to have learnt that the appellants

Cr 51-02 2

hold none of Mr Rangia Hebbars lands in their holding which are all in the enjoyment of mortgagees and purchasers in auction by Civil Court. In these circumstances the Dy Collr Solicited the instructions of Govt.

In docket no: H 16439 31.3.03 the Dy Collr was asked to submit for reference the copy of the decree alluded to and the papers relating to the enquiry made by him.

In reply the Dy Collr submits the records in the case. (Vide his letter no: 561 of 3.4.03). The Amildar of Mudgere, in whose jurisdiction most of the lands of Mr Rangia Hebbar appear to have been located, reports (vide his report no: 332 of 20.1.03) that most of the valuable lands of the deceased Rangia Hebbar are in the enjoyment of the Arbuthnot company, that the list of such property is with the Dy Collr, and that the right, title,

and

and interest of the appellants in those lands may now be proceeded against. The list referred to does not accompany the records received with the Dy Comm's letter under reference. A draft is put up calling for the list.

Submitted for orders.

20/5/03

~~Issue the draft~~

VL 22/5/03

Sole continued

The draft as above was issued with no: Jl 20 27 & 23/5/03. With his letter no: 20 of 8.7.03 the Dy Comm submits a complete list of immovable properties owned by the late Mr Rangia Hebbar with details as to their present possession and enjoyment. The list shows that the heirs of the late Rangia Hebbar have no right whatever in the lands therein shown with the exception of a few for which a separate list is put up showing the details of ~~interest received by the appellants~~ the appellants' interest in them. The details given are not sufficient to find out the

4 S.A. 51-02

Value of the appellants' interests in the properties

A.V.
23/7/03

Whatever property
or right, title & interest
which the appellants
possess may be proceeded
against promptly by
the local authorities.
A further report
may be made after
Plaintiff's recovery
of all
Mcans
Inld & the Dcy

N
25/7/03

The Dy Cr can proceed only by applying to
the Distt Judge for execution. We may issue an order
saying that if the Dy Cr thinks there is
a fair chance of recovery, he may apply
for execution in the usual course. Draft
submitted

27/7/3

Draft
N 27/7/03

To the Dewan.

11379
31-7-03

Spr 51-02

(Note continued

Spr:)

The Dy Comr, who was accordingly instructed, now reports that all the immoveable properties belonging to the appellants have been either mortgaged or sold in satisfaction of Civil Court decrees with the exception of S.No: 42 in the Kelagur village, Mudgere Taluk, valued at Rs 30, against which there is an arrear of land revenue amounting to Rs 9/-, and that it is not worth while applying for execution

A draft order is put up, asking the Dy Comr to wait till the expiry of the period for the execution of the decree and submit a further report thereafter for the orders of Govt, if nothing can be realized in the meanwhile.

Submitted ~~for orders~~ for this consideration

7/4/04

8/4/04

Issue Ll 22/4/04

8 Dy Comr Mudgere. Kadur

No H 2900 dy 23/4/04

Calls for the submission of a report after the expiry of 3 years from the date of the decree

G.O.S. 12]
General and Revenue Secretariat.

File No. 51 of 1902

Serial No.

have taken precautions to keep the decree alive. Where there no other alternative than to write off the account. Should for orders & necessary will may be considered.

G.O not 2900 could have been better worded.

23/11

To Branch iii for favour of opinion — 29-11-02

Mis J 128
30.11.02

Subh
28/11
30/11

~~To the execution~~

In presenting an application for the execution of a decree of any Civil Court, the period of limitation is three years. An application for execution was made within the prescribed period nor steps were taken in aid of it, no action can possibly be taken now for the recovery of the amount due to Govt. To Br ii

28/11/02

Note—Contn. sheet

GPB—50,000—23.10.05

(8)

G.R.S. 12]

General and Revenue Secretariat.

SM File No. 51 of 1902

Serial No.

ruled with a draft proceeding that the account may proceed the circumstances hereinafter of the accounts

Draft Sub.d to Secy

Revd 9/12/06

Pleader

3/12/06

The order of 23-4-04 was, I am afraid, a mistake, & has directly led to the applt. becoming barred by being postponed beyond the period of limitation

Was the decree registered? Let me see the decree of the appellate Court. Also if so on what duty.

The Dy Cr's report is not satisfactory. He should have obtained full particulars as to the exact nature & extent of the guardian. He should submit a further report with particulars & explanation at any early date.

Dy Cr

Draft ruled

Issue

8/12/06

Issue order 8/12/06

To the Dy Cr. Kadur Dt

No. H. 4746 dt 21-12-06 Requests him to submit a further report with full particulars

11.

Note—Contn. sheet

GPB—50,000—23.10-05

Serial No.

barred by limitation, the amount of court fee due may be remitted
22(r)
(9 No)

1377
20.4.07.

Approved
20/4/07
Issue orders accordingly. (Letter as
applying in the Dy-Comr about the order of 19th September)
20/4/07
23/4/07

Ordered. Hence already drafted the file
with seems.
may issue.

Issue draft-mind
23.4.07

23/4/07

13 To the D.C. Kadur Distt, Registrar Chief Court of Mysore. No JE 8077-8, 26-4-07

No application having been made within the expiry of 3 yrs from the date of the decree for its execution, the decree has become barred by limitation and the amount of court fee of Rs 2850 due thereon will be accordingly remitted & written off.

Note—Contn. sheet

GPB—50,000—23.10.05

Of 15th November 1902 for the purpose of recovering from the appellants the sum of Rs 2,850/- due by them to Government on account of Court fees on their appeal in forma pauperis.

2. On receipt of the decree the Amildars of the Koppa and Mudgere Taluks and the Deputy Amildar of the Yedehalli Sub-Taluk in whose jurisdiction the lands of the late Mr Raingia Hebbar were reported to have been situated, were called upon to furnish details of the lands belonging to the appellants with a view to apply for Execution of the decree for recovery of the Stamp fees

3 The reports received from

from them show that the appellants have none of Mr. Rangia Hebbar's lands in their holding which are all in the possession and enjoyment of mortgagees and purchasers in auction by Civil Court.

4. Savitramma, widow of Mr. Rangia Hebbar, states that in her present helpless condition, She is unable to pay the decreed amount of Stamp fees.

5. In the circumstances of the case, I am not sure that there is any use in applying for Execution of the decree and Solicit the orders of Government.

I have the honor to be,
Sir,
Your most Obedient Servant

Deputy Commissioner

Draft for C.C.

SC 162

28 M 51 - 8 2 8 (2)

The Dy Coomr,
Madura District.

D

No. 7L 1643

date. 31/3/03.

21

The Dy Coomr's letter no:
534 of 18.3.03 Soliciting
~~instructions as to what~~
~~he should do regarding~~ the Orders of Govt in the
matter of recovering ~~of the~~ court
fees amounting ~~to Rs~~ 2850
due to Govt by the appellants
in Civil appeal case no:
28 of 1900-01 on the file of
the Chief Court, ~~their estates~~
~~having been reported to~~
~~be in the enjoyment of~~
~~mortgagees and purchasers.~~

Ganapa Shi Hebbar
& Savitramma
Vs
Arbuthnot & Co.

With reference to the
above has the honour
to request what the es-
tates of the appellants are
that are reported to be
in the enjoyment of their
mortgagees and ~~for~~ what

~~amounts~~

that the G/S & the decree & the papers connected with the enquiry made by the Dy Coomr Member

conditions, ~~grounds~~, whether the appellant to have no interest whatever in them, and, if any, why it should not now be proceeded against in order to recover the Court fees due by them.

submitted for the orders

Vakil

B-O

V 26/3/03

for Secy

26/3/03

(M) R 1362

1902/03

From The Deputy Commissioner

Kadur District

Sdh 5/-628/(3)

To The Secretary to Government

Genl & Rev: Department

Dated 3d April 1903

Despatched 4th

Received

General No. 561

No.

Enclosure No 14 V. papers.

Secy's docket no R 1643 dated 31st March 1903

Subg Copy of the decree in Civil appeal No 28 of 1900-4 on the file of the Chief Court in re the recovery of Rs 2850 of Court fee from appellants Ganapathi Kebba (minor) and Savitramma

---

Respectfully submitted

14/4

Submitted with note & draft

MGCPB—50 reams.—6-12-02.

20/5/02

No 8

SC No. 3.

Deputy Commissioner's Office
Kadur District
Chikmagalur 3d April 1903

From.

M. Narain Rao Esqre.

Deputy Commissioner,
Kadur District

To.

H. V. Nanjundayya Esq M. A. M. L.
Secretary to the Government of Mysore,
General and Revenue Departments

Sir,

As desired in your docket no H 1643 of the 31st March 1903, I have the honor to submit the copy of the decree in Civil appeal no 28 of 1900-1901 on the file of the Chief Court of Mysore and the papers connected with the enquiry made by the Amildars of Mudigere and Koppa and the Deputy Amildar of Yedehalli in re recovery of Rs 2850/- due to Government on account of Court fee by Appellants Ganapathi Hebbar (minor) and Savitramma

I have the honor to be
Sir,
Your most obedient servant

M Narain Rao
Deputy Commissioner

Dwl

Sl Work

Draft for approval

2809 51-02 Sl (4)

The Dy Commr,

Kadur District.

D

No H 2027 Est & P.

dated 23/5/03.

2/3.

Correspondence ending with his letter no: 561 of 3.4.03 in the matter of recovering court fees amounting to Rs 2850/- due to Govt by the appellants in civil appeal case no: 28 of 1900-01 on the file of the Chief Court: Ganapathi Hebbar and Sanjeevamma Vs Arkeshwara Hegde

In returning the enclosures received with the above, has the honour to request that the list of immovable properties of the deceased Mr. Ranga Hebbar now in the enjoyment of

Messrs

(10

~~Messrs Ardeshir Hes, stated to be with the Dy Comr, (vide Mudgere Amildar's report no: 332 of 2001-03) may also be sent about early date for reference along with the papers now returned~~

may be submitted with full details as to their description and present employment or regard the right, title or interest in or to each of them possessed by the appellants

"S-O"

22/5/03

for Secy

22/5/03

copd
22/5/03.

Submitted with continued note.
23/7/03

(11

Q180

1903-04

From The Deputy Commissioner

Kadur District

(5)

Sch. 5/ 028

To

The Secretary to the Government
of Mysore, General and
Revenue Departments.

Dated 8th
Despatched 10th } July 1903.
Received

General No. 20
No.

Enclosure No

His docket no. Fl. 2027 of 23rd
May 1903.

Submitting complete list
of immovable properties owned
by the late Mr. Rangia
Hebbar.

Reference last-cyr

Ans 16/7/03 14/7

MGCPB—50 reams.—6-12-02.

12

Ref No. 3

Deputy Commissioner's office,
Kadur District.
Chikmagalur 8th July 1903.

From

M. Narain Rao Esquire
Deputy Commissioner
Kadur District.

To.

H. V. Nanjundayya Esquire M.A., M.L.,
Secretary to the Government of Mysore,
General and Revenue Departments.

Sir,

As called for in your docket no. 76. 2027 of 23d May 1903, I have the honor to submit herewith a complete list of immovable properties owned by the late Mr. Rangia Hebbar with details as to their present possession and enjoyment.

I have the honor to be,
sir,
your most obedient servant,

M Narain Rao
Deputy Commissioner
Kadur District.

Serial no:	Taluk	Hobli	Village	Name of Khatedar	Particulars of land buildings and building site: Land: Survey no:	Whether dry, wet or garden	Extent: acres	Extent: guntas	Assessment: Rs	Assessment: As	Building: Description	Building: Total extent	Building site: No.	Building site: Extent: Length	Building site: Extent: Breadth	Building site: Extent: Square	Name of the person in present enjoyment and possession of the property	Particulars of the right, title or interest of Mr Rangia Hebbar's heirs in the property	Remarks
	Koppa	not given	Magundi	Bovi, daughter of Mari Heggadati	36	wet	5	25	12	0							Savitramma, the late widow of Mr Rangia Hebbar	Appellant Savitramma is said to take the crop and pay Kandayam year after year	Enquiry is being made of Savitramma whether this property is not encumbered in any way.
2	Mudgere	Kalasa	Kedakani	Late Mr Rangia Hebbar	17	Do	0	22	0	12									
					88	Do	9	36	23	0							Savitramma		Under attachment by Civil Court in satisfaction of a decree against Rangia Hebbar.
3	Do	Do	Mavinkere	Krishnia bin Ramia, Hosamane	620	Bagayat	3	13	39	8									
						wet	0	12	0	8									
					628/1	Do	0	11	0	12									Mortgaged for Rs 800/- and under attachment in satisfaction of a Civil Court decree
					630	Do	0	10	0	8							Savitramma	Mortgagee's right	
					634	Do	0	29	2	0									
					637/1	Do	0	25	1	8									
					639/1	Do	0	25	1	4									
4	Do	Do	Kalasadu	Rangia Hebbar															

				Rao bin Balakka Hua Rao.	37	wet	.	35	2	4									Under attachment in Satisfaction of a degree obtained by Sankara Narain Bhatta against the late Ranjia Hebbar.
					39 Paiki	Do	.	33	2	.									
					47 Paiki	Do	.	32	2	.									
					50	garden	..	7	2	.									
						wet	..	20	1	8									
					51 Paiki	wet	-	6	.	8									
					53	garden	.	15	3	8									
					55	Do	-	8	1	12									
					57 Paiki	Do	.	5	1	.									
5	Do	Do	Kelagur	Shankria bin Shania	42	wet	3	6	8	0							Do -	Proprietary right	Enquiry is being made as to whether this land has been encumbered.
6	Do	Inelabangadi	Javali	Late hr Ranjia Hebbar.	117	wet	6	29	9	.							Hosahalli Subbayya Hebbar		Under attachment by Civil Court.
					118	-Do-	8	37	21	..									
					123	Do-	1	9	1	8									
					126	-Do-	4	21	10	.									
					127	garden	2	25	18	.									
					129	wet	6	29	15	.									
7	Do	Do	-Do-	Do-	110	Coffee	.	18	.	8									
					115	Do-	15	32	16	0	Thatched house	2 anikas 15 rooms					Mortgaged to the firm of Messrs Arbuthnot & Co.	Right of a mortgagor	waste.
											-Do-	1	-Do-						
					133	-Do-	15	17	15	8									
8	Do	Do	Aramane Talagur.	Late hr Ranjia Hebbar	24	Coffee	50	.	50	.							Messrs Arbuthnot & Co.	-Do-	

SR 51-07 Sl (6)

Read

V. Sl No. 6

Correspondence ending with letter no 209 8-7-03 from the Dy Comr, Kasaragod District, Soliciting instructions in the matter of recovering court fees amounting to Rs 2850/- due to Govt by the appellants in civil appeal case no 28 of 1900-01 on the file of the Chief Court, Ganapathi Hebbar and Savitramma ~~vs~~ Ar- kuttinot & Co.

Hl 383 - Ent

D

7/8/03

Order thereon

From the correspondence read above, it is observed that most of the landed properties once in the holding of the late Sri Rangia Hebbar are now in the enjoyment

15 The
of mortgagees and purchasers
in auction ~~by~~ at Civil Court sales,
and that the appellants
have no interest in them.
If the
~~The~~ Dy Coms ~~is informed~~
finds
~~that, if he thinks~~ that there
is a fair chance of recovery,
he may apply for execution
in the usual course & Report the result for the orders of Govt
[illegible]
by the Secy.
Secy
30/7/03
Secy
27/7/03
The Dy Comr, Kadur District, 03667
Returning the enclosure 1. VIII. 03

Secy
1.
31.8.03

7C 1637.

Submitted with off. letter dated 7/4/04

(6)

From The Asst. Commissioner in charge of the Kolar District

SR 51-0280 (7)

To The Offg. Secretary to the Government of Mysore General and Revenue Deptt.

Dated 19

Despatched March 1904

Received

General No. 442

No.

Enclosure No. 1

Govt. Pro. No. 71 385 3
6th August 1903.

Stating in reply that all the immovable properties belonging to the appellants Jana pathi Hebbar and Savitramma have been otherwise disposed of; and that S' No 42 is not worth while proceeding against

Pc

file finally

27/3/04

29/3

Official

Deputy Commissioner's Office
Kadur District

Chikmagalur 19th March 1904

From

P. L. D'Souza Esqr B.A., B.L.,
Assistant Commissioner
in charge of the Kadur District

To

L. Ancantasami Rao Esqr B.A.
Offg. Secretary to the Government
of Mysore, General and Revenue
Departments

Sir,

With reference to Government
Proceedings No Fl. 385 dated 6th
August 1903 in the matter of the
recovery of Rs 2850/- due to
Government from the Appellants
in Civil Appeal Case No 28 of 1900-01
on the file of the Chief Court
Gangaiah Hebbar and Savitramma
Messrs. Arbuthnot and Company —
I have the honor to report that all
the immovable properties belonging
to the appellants have been either
mortgaged or sold in satisfaction

of

of Civil Court decrees with the exception of wet Survey No. 42 a 4. measuring 3-6 and assessed at Rs 8-0-0 in Kelagur Village, Mudgere Taluk The Amildar of Mudgere Taluk reports that the lands valued at Rs 30/- by the villagers and that the Kandayam for 1902-03 amounting to Rs 9/- and odd is in arrear. Under these circumstances, I am of opinion that it is not worth while applying for execution of the decree of the Chief Court.

I have the honor to be,

Sir,

Your most Obedient Servant

Sd/- Assistant Commissioner
in charge of the

Sl No. 8

Read S.M. (19) 51.02.Sl (8)

Govt order no H 385 dy the 6.8.03 directing, in the matter of recovering Court-fees amounting to Rs 285/- due to Govt by the appellants in Civil appeal no. 28 of 1900-01 on the file of the Chief Court (Janakiattu Hebbar and Savitramma ~~vs~~ Messrs Arbuthnot & Co.), that the Dy Comr, Kadur District, may, if he finds that there is a fair chance of recovery, apply for execution in the usual course and report the result for the orders of Govt.

2 Letter no 4429 the 19.3.04 from the Dy Comr, Kadur District, reporting that all the immoveable properties belonging to the appellants have been either mortgaged or sold in satisfaction of civil Court decrees with

20

the exception of S. no 42 in the Kelagur village, Mudgere Taluk, valued at Rs 30/-, against which there is an arrear of land revenue amounting to Rs 9/-, and that it is not worth while applying for execution.

Order thereon

The Dy Comr may wait till the expiry of the period for the execution of the decree and submit a further report thereafter for the orders of Govt, if nothing can be realized in the meanwhile.

22/4/04

8/11/04 Offg Secy

7/4/04

The Dy Comr, Kadur Dist.

D

Do. K 200

23/4/04

23

20 7/11/04

Campbell 7/11

Dev D 1989

1906 SR

From The Deputy Commissioner
Kadur District
SR. 51-0281 (10)

To The Secretary to the Govt
of Mysore, Genl & Rev Depts

Dated 13th 17th November 06

Despatched

Received

General No. 363
No.

Enclosure No. one file
accessory to persist.

Reporting re the recovery of
Rs 2850/- being the amount
of Court Fees due to Govt
by the appellants in appeal
No. 28 of 1900-01 on the file of
the Chief Court.

Office of the Deputy Commissioner
Kadur District
Dated, Chikmagalur 13th November 06

From

D. Devaraj Urs Esq
Deputy Commissioner
Kadur District

To

K. S. Chendrasekhara Iyer Esq
B.A, B.L,
Secretary to the Govt of Mysore
Genl & Rev Depts.

Sir,

With reference to Government Order No. Ft. 2900 dated 23rd April 1904 and subsequent reminder No. Ft. 1772 dated 27th August '06, calling for report regarding the recovery of Rs 2850/- being the amount of Court Fees due to Government by the appellants in appeal No. 28 of 1900-01, on the file of the Chief Court of Mysore, I have the honor to submit herewith vernacular records ending with Amildar's report No. 354 dated 9th September 06.

2. From the statement furnished by the Amildar, it would appear that some lands have since come into the possession and enjoyment of Savitramma the guardian of her minor son Ganapati Hebbar.

The

The exact nature and interest acquired and the dates on which they were acquired are not stated in the report, but it would appear that the title of the lands is not in her name.

3. If ordered, action will be taken against the right, title and interest of Savitramma, guardian of her minor son, in the lands referred to, after obtaining a further report from the Amildar.

I have the honor to be,

Sir,

Your most obedient servant

M. Lakshmanbabu

Asst For Deputy Commissioner

D454 0434 1906-07

8R 51-02-8 (12)

From D. Divaraj Urs Esq.
Deputy Commissioner
Kadur District.

To K. S. Chandrasekhara Aiyar Esq. B.A. B.L.
Secretary to the Government of Mysore
-general and Revenue Departments
Bangalore

Dated The 2nd April 1907.

Despatched 4th.

Received

General No. 630.
No.

Enclosure No. —

Reporting further in the matter of recovery of Rs 2850 the amount of Court Fees due from Savitramma Appellant in O.S. No 28 of 1900-01.

From.

D. Devaraj Urs Esqr
Deputy Commissioner
Kadur district.

To, K. S. Chandrasekhara Aiyar Esqr B. a. B. L.
Secretary to the Government of Mysore
General and Revenue Departments.
Bangalore.

Dated Chikmagalur 2nd April 1907.

Sir,

With reference to your letter no: F.L. 4746 / S.R. 51-02-111
Enc: one file, dated 21st December 1906, anent the recovery of Rs 2850/-, the amount of Court fees due from Savitramma Appellant in O.S. No 28 of 1900-'01 on the file of the Chief Court, I have the honor to state that (1) the decree has not been registered, and (2) that no intermediate applications for the Execution of the decree were made.

2. The Amildar in his report dated 22nd February 1907 states that Savitramma, after the death of her husband Gangayya Hebbar, is reported to have acquired interest in certain properties on behalf of her minor son, Ganapathi Hebbar, ~~and~~ and that the Exact nature of the interest in respect of Each will be ascertained and reported after Savitramma, who is now at Calicut, returns to her Estate. The Amildar has been directed to ascertain correct particulars after needful personal Enquiry and Submit a detailed report in the matter with the least practicable delay.

3. A Copy of the decree of the Appellate Court is submitted herewith as required.

I have the honor to be,
Sir,
Your most obedient Servant.

H. Krishna Rao
for Deputy Commissioner
Kadur district.

Ans

In the Chief Court of Mysore, Bangalore

Present

Mr justice J. W. Best, Chief judge

and

Mr justice A. Ramachandra Iyer, Dewan Bahadur

Appeal no 28 of 1900-01

1 Ganapati Hebbar, minor by mother and guardian Savitramma (2nd appellant) widow of Rangiah Hebbar
2 Savitramma
Appellants

vs

1 Patrick Macfadyen
2 George Gough Arbuthnot
3 Reginald James Arbuthnot
4 Charles Edward Patrick Vans Agnew
5 John Montgomery Young.
Carrying on business together under the style or firm of Arbuthnot & Co.
Respondents.

Appeal from the decree of the court of the District judge, Nagar Division dated the 27th day of October 1897.

Memorandum of Appeal

Patrick Macfadyen & four others - Plaintiffs

Ganapati Hebbar, minor by mother & guardian Savitramma & another } defendants

Appellant Ganapati Hebbar, minor by mother and guardian Savitramma and another above named appeal to the Chief Court of Mysore against the decree of the District Judge, Nagar Division, in Original Suit no 65 of 1895-96

dated the 27th day of October 1897, for the following amongst other reasons, namely:—

I The conclusions and findings of the Lower Court are against the appellants are opposed to law and the facts of the case

II The Lower Court has erred in holding that the suit is not premature.

III The Lower Court has erred in holding that the 3rd deed of mortgage dated 16th June 1894 (Exhibit J) executed by the late Rangiah Kolaru does not supersede the 2 prior mortgages of 9th September 1892 and 1st February 1893.

On the passing of judgment in the appeal in the presence of messrs H. Lubeck and G. Venkoba Rao, Advocates for the Appellants and Mr. John C. L. Lawrence, Advocate for the Respondents

It is ordered and decreed that the appeal be and the same is hereby dismissed.

And it is further ordered and decreed that the appellants do pay to Government the sum of Rs 285 0/. being the amount of Court fees which would have been paid by them on the memo of appeal had they not been permitted to appeal in forma pauperis.

And it is further ordered and decreed

That

that the Appellant to Ganapati Hebbar, minor by mother and guardian Sauthramma and another aforesaid do pay to the Respondents Patrick Macfadyen and four others aforesaid the sum of Rs 2549-14-. being the amount of costs incurred by the Respondents aforesaid in this Court with interest thereon at 6% per annum from this date until the date of realization.

Given under our hand and the seal of the Court this 25th day of August 1902.

(seal) Memorandum of Costs incurred in this Appeal.

	By the Appellants			By the Respondents		
	Rs	A	P	Rs	A	P
Court Fee on Memo of Appeal	-	-	-	-	-	-
" of Petitions	-	-	-	8	-	-
Power of Attorney	2	-	-	2	-	-
Processes	-	8	-	1	-	-
Copies of Decree and Judgment	1	9	-	-	2	-
Advocates' Fee	2508	14	7	2508	14	7
Cost of Adjournment	-	-	-	-	-	-
Fees for copying & translating	9	12	-	1	9	5
Printing charges	29	10	-	7	8	-
Costs on remand	56	4	-	20	12	-
Total	2608	9	7	2549	14	-

A true copy

(Sd) V. A. Rajaratna Mudaliar

Registrar

Copy

(Sd) M. Lakshmanadas

for Deputy Commissioner

Madura Dist

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

within the 4 years of 3 years from the date of the decree for its execution, no action can now be taken for the recovery of the account due by the parties. The sum of Rs 2850/- may, therefore, be written off the accounts.

2. If there was any prospect of realizing the account the Commissioner should have taken steps to keep the decree alive

The sum has become barred by limitation and the amount of court fee of Rs 2850 due by the writ be accordingly remitted and written off

18
23/4/7

Secretary to the Govt. Kadapa

The Hon'ble Commissioner, Kadapa

The Registrar, Chief Court

10/12/06

10/12/06

MGCPB—30,000—5-4-05.